

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES IN AND FOR
STATE OF UTAH

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In the Matter of the Approval of :
the Notice of Intent and Recla- :
mation Plan Submitted by Co-Op : INTERVENOR'S POSITION
Mining Company : STATEMENT, OBJECTING TO
: APPROVAL OF CO-OP MINING PERMIT

EMERY COUNTY, a body politic :
and corporate of the State of :
Utah, :
Intervenor. Cause No. ACT-015-025

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COME NOW Intervenor, by and through its attorney, Scott
Johansen Emery County Attorney, and respectfully presents to the
Board its position concerning the tentative approval of the
mining permit of Co-Op Mining Company, objections thereto, all as
hereinafter set forth:

1. Emery County, hereafter County, is critically impacted
by the energy related growth in the State of Utah, in particularly
the development of electrical power and coal. Because of this
tremendous growth the County has had placed upon it severe strain
in attempting to provide necessary municipal services for the
increased population growth.

2. Because of the tremendous impact upon the County of the
above-mentioned growth, it has become necessary for the County to
enact a zoning ordinance to facilitate the orderly growth and
development of the County.

3. The Co-Op Mining Company proposes to develop a mining
operation in Township 16 South, Range 7 East, Emery County, Utah.

4. The Emery County Zoning Ordinance and zoning map indicate
that said land is currently zoned such that such mining development
would not be allowed. For the Co-Op Mining Company to embark on
such mining development, a zone change would necessary in order
to conform to County ordinance. Also, a building permit would
have to be issued.

5. The purpose of said ordinance is to provide for dis-
closure to the County of all major industrial developments so
that the County can evaluate the socioeconomic as well as environmental
impact upon the County. Because of the County's very limited
resources to cope with the growth caused by a major project, such
as a coal mining operation, the County must evaluate at the
outset of that development whether or not necessary services can
be provided.

6. Co-Op Mining Company has not received the necessary zone change or building permit.

7. Intervenor feels that the decision making process as to growth and development of an area should be made at that governmental level which is as close to the people affected as possible. For that reason, Intervenor believes that federal agencies should make their approval of a project contingent upon State approval of said project. Likewise, Intervenor believes that State approval of a given project should be contingent upon County approval of said project.

8. The County, in order to cope with the impact of coal and other development in the area, has also enacted a business license ordinance which requires all businesses being conducted in the unincorporated areas of the County to be licensed by the County, and to pay a license fee.

9. As of this date, the Co-Op Mining Company has not applied for such a license and has tendered no business license fee, and consequently is not a business in good standing, qualified to transact business in Emery County.

10. Section 40-8-17 Utah Code Annotated, 1953, as amended provides that approval of notice of intention shall not relieve operator of the responsibility of complying with other applicable statutes and ordinances.

WHEREFORE, Intervenor prays as follows:

1. That the Board delay granting a permit to Co-Op Mining Company to develop property in Township 16 South, Range 7 East until and unless said mining company has applied for and has been granted the necessary zoning changes, building permits, and business licenses currently required by Emery County ordinances.

2. Such further relief as the Board may deem proper.

DATED this 21st day of May, 1980.

SCOTT JOHANSEN
Emery County Attorney

By Scott Johansen
Scott Johansen

VERIFICATION

STATE OF UTAH)
 ss.
County of Emery)

Scott Johansen, upon being first duly sworn, deposes and says that he is the County Attorney for the County of Emery,

Intervenor named in the foregoing Intervenor's Position Statement, Objecting to Approval of Co-Op Mining Permit, that he has read and is familiar with the same and that the statements set forth therein are correct and true except as to matters therein based on information and belief, and as to such matters he believes them to be true.

Scott Johansen
Scott Johansen

Subscribed and sworn to before me this 21th day of May, 1980.

Patricia Radick
Notary Public

My Commission Expires: 2/15/84 Residing at Orangemille, Utah

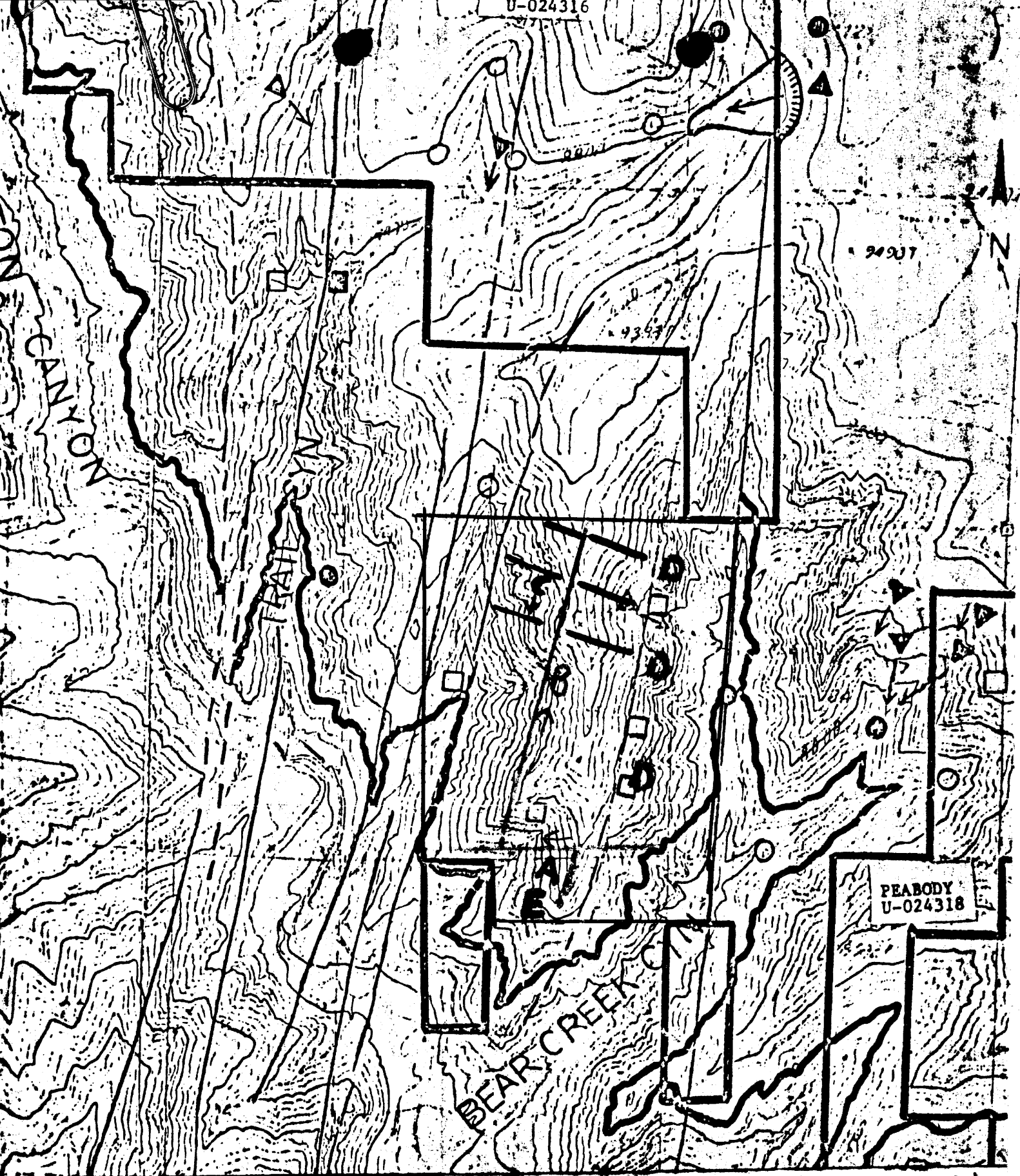
Address of Intervenor:

Emery County Attorney
P.O. Box 593
Castle Dale, Utah 84513

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of May, 1980, I mailed a copy of the foregoing Intervenor's Position Statement, Objecting to Approval of Co-Op Mining Permit, postage prepaid to Carl E. Kingston, 53 West Angelo Avenue, P.O. Box 15809, Salt Lake City, Utah 84115.

Patricia Radick
Secretary



CO-OP MINING CO.

MINE PLAN

State of (1)

- PHASE A — MAIN ENTRIES WEST TO SURFACE
- PHASE B — — — NORTH 15° WEST (APPROX.)
TO PROPERTY LINE
- PHASE C — DEVELOPE AND PILLAR SECTIONS
FROM NORTH TO SOUTH
- PHASE D — TO BE DECIDED WHEN DISPLACEMENT
AND CONDITION OF FAULT IS KNOWN
- PHASE E — LAST SECTION MINED BEFORE 'A' IS
PILLAR ED

Coop Ex. #1.

FLOW RATES OF HUNTINGTON BEAR CANYON SPRING

RECORDED BY: TERRY DANIELSON
HYDROLOGIST, USGS

DATE	FLOW RATE
4/27/78	110 gpm
5/26/78	110 gpm
6/9/78	120 gpm
6/23/78	130 gpm
7/6/78	150 gpm
7/28/78	150 gpm
8/10/78	160 gpm
8/30/78	155 gpm
10/13/78	165 gpm
10/25/78	160 gpm
11/8/78	155 gpm
12/13/78	145 gpm

Precipitation in the State of Utah for the winter of
1977/1978 was 109% of average, based on 30 year recordings.

79/80 159% of norm.

